

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, OCTOBER 8, 2004
TIME: 9:00 A.M.
PLACE: OHANA KEAUAHOU BEACH RESORT
BALLROOM 2
45-6740 ALII DRIVE
KAILUA-KONA, HAWAII 96740

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:22 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Ms. Kathryn Inouye
Mr. Gerald DeMello
Mr. Ron Agor

Mr. Timothy Johns
Mr. Ted Yamamura
Mr. Toby Martyn

STAFF

Ms. Dede Mamiya, Land
Mr. Mike Constantinides, DOFAW
Mr. Sam Lemmo, OCCL
Mr. Gavin Chun, Land

Mr. Paul Conry, DOFAW
Mr. Eric Hirano, Engineering
Mr. Keith Chun, Land

OTHERS

Mr. Calvin Choy, D-4
Mr. Dave Gedeon, D-6
Mr. George Robertson, K-2
Mr. Peter Simmons, K-1, C-1
Mr. Roy Vitousek III, K-5
Mr. Alan Murakami, D-18
Mr. Skip Cowell, D-12
Mr. Frank Brandt, D-12

Mr. Terry Causey, D-14
Mr. Richard Spiegel, K-2
Ms. Mary Ellen Wong, K-1
Mr. Steven Lim, K-3
Mr. Don Bryant, C-1
Mr. David Marquez, D-12
Mr. Chad Martin, D-12
Mr. Chris Armstrong, D-12

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1: Minutes of September 24, 2004

Member Martyn recused himself.

The Board made the following changes

Page 8, Staff's recommendations 2)

"2. That the Board [authorize] deny the appointment of a Hearing Officer for CC HA-05-01 [and let the Hearing Officer conduct all the hearings relevant to the subject petition for a Contested Case Hearing, and].

Page 9, Item D-4, third sentence

"Ms. Mamiya also pointed out under "allied uses" it states that the kayaks used by the lessee are not considered "allied uses" [were] where as traditional outrigger Hawaiian canoes . . ."

Approved as amended by the remaining Board members (Johns/Inouye).

Item D-4: Grant of Perpetual, Non-Exclusive Easement to Verizon Hawaii Inc. (Verizon) for Telecommunication Purposes, Nuuanu, Honolulu, Oahu, TMK: 2-2-54:01 por.

Dede Mamiya, Administrator of the Land Division noted that Verizon Hawaii Inc is requesting an easement, which consists of an underground concrete encased conduit connecting two of their facilities. Staff contacted the Office of Conservation and Coastal Lands Division and it was determined this project falls under their existing CDUP OA-2809. Ms. Mamiya recommended the Board authorize the issuance of a perpetual non-exclusive easement to Verizon Hawaii, Inc. covering the subject area for utility purposes.

Unanimously approved as submitted (Inouye/Johns).

Item D-14: Grant of Perpetual, Non-Exclusive Easement to Honomalino –Okoe Community Association, for Access and Utility Purposes, Honomalino & Okoe, South Kona, Hawaii, TMK: (3) 8-9-03:por. 01 & 83.

Ms. Mamiya made it known the Honomalino-Okoe Community Association have been using an existing gravel road owned by the State to gain access to their landlocked parcel but have not obtained the necessary paperwork. It was also revealed that the subject lands are encumbered by the Kona Wilderness Area pursuant to Act 59. Ms. Mamiya recommended the Board authorize the issuance of a perpetual, non-exclusive easement to the Honomalino-Okoe Community Association covering the subject area for access and utility purposes.

Terry Causey on behalf of the Honomalino-Okoe Community Association was present to answer any questions and noted his agreement with the change in the Recommendation Section.

The Board amended:

- 1) **The Consideration Section to read as follows:**
“~~Gratis~~ One-time payment to be determined by independent appraisal establishing fair market rent, subject to the review and approval by the Chairperson.”
- 2) **The Applicant Requirements by adding a paragraph 2) to read as follows:**
“(2) Pay for an appraisal to determine the one-time payment of fair market value for the easement.”

Unanimously approved as amended (DeMello/Yamamura).

Item D-6: Issuance of Direct Land License to United States Department of Transportation, Federal Highways Administration for Removal of Rock Aggregate Purposes, Kaohe IV, Hamakua, Hawaii, TMK: (3) 4-4-16:05 and 10.

Ms. Mamiya communicated that the Department of Transportation, Federal Highways is requesting permission to enter the quarry to remove rock and waste deposits for use in the construction of road improvements on Saddle Road. By utilizing the rocks from the ARMY’s quarry in its bid package the Department of Transportation, Federal Highways anticipates a potential savings of approximately two million dollars. Ms. Mamiya recommended the Board authorize the issuance of a land license to the United States Department of Transportation, Federal Highway Administration covering the subject area.

Dave Gedeon was present for this item.

Unanimously approved as submitted (DeMello/Yamamura).

Item K-2: Conservation District Use Application HA-3186 for the Puako Kiawe Forest Apiary, Lalamilo, Hawaii, TMK: (3) 6-9-001: 015, by R. Spiegel.

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands made it known the applicant proposes to construct an apiary, which will consist of approximately 150 to 300 colonies of bees. The applicant is also proposing to create a pond in order to assure drinking water for the bees and for cooling their hives. A notice of the Draft Environmental Assessment was published in May and a finding of no significant impact (FONSI) was published in the September 23, 2004 issue of the Environmental Notice.

Mr. Lemmo recommended the Board approve this application subject to the nineteen conditions listed in the submittal.

George Robertson, Vice President of the Puako Community Association came forward and testified in support of the applicant's application. He confirmed Mr. Spiegel has been a good neighbor over the years.

Richard Spiegel, the applicant informed the Board if this item is brought back on appeal at the next board meeting he will be unable to attend as he is being honored as a speaker at an international convention of artistry and food makers in Italy. For the record, Mr. Spiegel disclosed he has been harvesting honey from the subject area for over forty years. All that this request before the board is asking is that he be allowed to move the location of the bees and its hives.

The Board amended Recommendation 1) as follows:

- 1) The applicant understands that the Board's approval is temporary stayed until the end of the appeal ~~[if an appeal to the Environmental Assessment (FEA) is filed within the thirty (30) day appeal period for the FEA,].~~**

Unanimously approved as amended (DeMello/Johns).

Item K-1: Conservation District use Application HA-3164 for Invasive Species Removal and Pasture Re-Establishment at Volcano, Ka'u, Island of Hawaii, TMK: (3) 9-9-1:17, by K. & M. E. Wong.

Chairperson Young recused himself.

Mr. Lemmo communicated the subject property was previously used as a cattle ranch. Throughout the parcel there are large Ohia trees (40-80 feet) however the most dominate plant species on the ranch is the Himalayan raspberry, which is a highly invasive shrub. According to the terms of the Wong's lease with Kamehameha Schools they are required to control the brush on the parcel. The Wong's have worked with the USDA Natural Resources Conservation Services on a conservation plan to control the overgrowth of the Himalayan raspberry. The proposed action will involve grubbing and raking invasive species in heavily infested areas, immediately followed by pasture planting of Kikuyu grass. Mr. Lemmo indicated a public hearing was held were the applicant addressed questions and concerns especially the proposed action of bulldozing as a method to eradicate the noxious weeds. Mr. Lemmo recommended the Board approve this application subject to the eighteen conditions listed in staff's submittal.

Mary Ellen Wong the applicant asked the Board for their favorable approval so she will be able to eradicate this noxious weed, which has proved to be detrimental to her ranch and other areas.

Peter Miranda, Planner with the National Resources Conservation Services informed the Board he was the planner that worked on the conservation plan. He let it be known the plan submitted by the applicant was approved by the Soil and Water Conservation District. He communicated the Himalayan raspberry are not the only noxious weed in the area and that there are others already growing in that area. Mr. Miranda noted this is a worthwhile project and asked the Board for their support.

Peter Simmons, representing Kamehameha School testified in support of the applicant's request. He spoke of the favorable work done and dedication provided by the Wong's.

Approved as submitted by the remaining Board members (DeMello/Yamamura).

Item K-3: Conservation District Violation HA-03-49 Regarding Unauthorized Construction of a Bed and Breakfast Facility, Lanai Addition and Other Improvements at Honomu, Hawaii, TMK: (3) 2-8-13:38, by J. and M. Gamble.

Mr. Lemmo reminded the Board this item was deferred from the September 10, 2004 meeting. This submittal involves the unauthorized construction of a bed and breakfast, lanai, wall extension and pipe, landscaping, tree cutting, and orchard. He recommended the Board find the Gambles in violation of HRS, Chapter 183C and HAR Chapter 13-5 and subject to the eight conditions in staff's submittal.

Steven Lim attorney representing the landowner informed the Board they have been working with the State Land Use Commission and he is confident they will find in favor of his clients belief as to the location of a 1990 boundary interpretation. Mr. Lim confirmed if they are not successful with the Land Use Commission he is ready to file the necessary paperwork to request a contested case hearing. Mr. Lim requested that the Board defer a decision today and provided him with additional time in order to receive a boundary interpretation from the Land Use Commission.

Chairperson Young informed Mr. Lim he will have ten days from today to fill out the necessary paperwork to request a Contested Case Hearing.

No Action.

Item K-5: Reconsideration of Petitioner's Request for a Contested Case Hearing (HA-05-01), Appointment and Selection of Hearing Officer to Conduct all Hearings for a Contested Case Hearing, in a Matter Regarding Alleged Unauthorized Land Uses at Aleamai and Kaloloa, South Hilo, Hawaii, TMK: (3) 2-7-8:63, by G. Kamai.

Mr. Lemmo reminded the Board on September 24, 2004 the Board rejected staff's recommendation to waive the petitioner's lack of an oral or written request for a contested case prior to the close of the Board meeting at which the matter was scheduled for disposition and the lack of a timely written request for a contested case subsequent to

the meeting. He indicated that staff believes the petitioner was not apprised of his right to request a contested case before or during the meeting at which the petitioner was assessed a fine and costs in this matter. For this reason, Mr. Lemmo is recommending the Board reconsider its September 24, 2004 decision and waive the petitioners' failure to make an oral or written request for a contested case prior to the close of the August 13, 2004 meeting and the lack of a timely written request for a contested case hearing and authorize the appointment of a Hearing Officer.

Roy Vitousek III, attorney for the applicant communicated that Mr. Kamai would like the opportunity to be able to tend to farming the land while this case is in a contested case mode.

Unanimously approved as submitted (DeMello/Johns).

Item K-4: Conservation District Use Application Request (HA-3030) for an Extension of Time to Complete Project Construction for Organic Farming, Construction of a Workshed, Shadehouse and Water Catchment System, Improvements and Extensions to Existing Jeep Roads, at North Hilo, Hawaii, TMK: (3) 3-2-4:43 & 44, by G. B. Hagim.

Mr. Lemmo conveyed that the permittee is requesting an eighteen-month time extension to complete the subject project. He noted that due to a construction boom on the Big Island the permittee is encountering difficulties in hiring a contractor. Mr. Lemmo recommended the Board approve an extension of eighteen months to complete the associated improvements for organic agricultural use.

Unanimously approved as submitted (DeMello/Johns).

Item C-1: Default of Timber Land License No. H-101 held by Tradewinds Forest Products, LLC.

Paul Conry, Administrator for the Division of Forestry and Wildlife and Michael Constantinides, Program Manager appeared to present the subject submittal. Mr. Conry pointed out the Waiakea Timber Management Area (WTMA) is comprised of approximately 12,000 acres of non-native timber plantations that were established for the purposes of providing sustainable wood resources for Hawaii's forest products industry. The department began accepting proposals with the intention of encouraging private sector investment in value-added process opportunities for Hawaii-grown woods, creating local jobs, ensuring that smaller wood workers would have access to public timber, stimulating the forest product economy of Hawaii and improving the future productivity of the WTMA. In February 2001, the Department entered into a 15-year timber supply agreement as a pre-condition of the Department for awarding a Timber Land License. Mr. Conry went on to state in August 29, 2001 a Timber Land License was signed. One of the terms of the license stated "The Licensee will begin construction of the facility between the year 2001 and 2003 . . . The Licensor reserves the right to terminate this

License if the facility is not substantially completed by January 1, 2004. The Licensors agrees to not unreasonably terminate this License if the Licensee is making good faith efforts to complete the facility, obvious progress has been made, and the completion date is expected in the 2005 calendar year.” Mr. Conry also went over the details of some of the correspondence sent in by Tradewinds Forest Products, LLC (Tradewinds) detailing why they did not comply with the terms of their lease and why their efforts were running three years behind. Lastly, it was revealed that Tradewinds was undergoing physical testing of their timber and if the results were favorable it could lead to investment of capital into the company. Mr. Conry recommended the Board find that Tradewinds Forest Products is in default under their Timber Land License No. H-101, and authorize the Division to provide Tradewinds Forest Products, LLC with a written notice of default and instruct the Division to stipulate in this letter that the two conditions listed in staff’s submittal for cure or remedy of default must be met within thirty (30) days after delivery by the Licensors the written notice of default.

Mr. Constantinides informed the Board all the division is asking for is that the Board find Tradewinds Forest Products, LLC in default of their land license and authorizes the division to notify Tradewinds of this fact.

Peter Simmons, representing Kamehameha Schools and board member of the Hawaii Forest Industry Association and Chairman of the Society of American Foresters in Hawaii spoke of the spirit involved in creating these forest products. He also spoke of the faith by other large landowners who believed the forest industries would be a viable industry. Mr. Simmons believes what the department is doing will well intentioned but misguided. Mr. Simmons spoke of the cost associated with the manufacturing of the wood from the forest and placing it into the hands of the consumer. He let it be known because they believe in Tradewinds his company has scrutinized Tradewinds business plan and economic model and they have come to the realization that Tradewinds has a viable business. Mr. Simmons asked the Board to defer action on this matter and allow Tradewinds the opportunity to succeed.

Don Bryant of Tradewinds Forest Products, LLC. communicated how his company has gone through a two year depression in the forest industry. On a positive note he believes his company can survive because the prices of wood panels in 2004 have been increasing as well as the fact that his company has made some positive changes with regards to the structure of Tradewinds. He went on to discuss the process his company has gone through from removal of the tree from the forest up to the point of testing the strength of the wood. Mr. Bryant indicated the results from the strength test should be available at the end of next week. With regards to funding, Mr. Bryant has taken the lead in this area. As far as capital, they have the necessary start up capital to pay for the engineering and permit phases. Also to save money, they have secured a mill construction team that will cut their cost in half. Mr. Bryant also indicated if the strength test on the wood is positive they have secured a verbal commitment from an unidentified source. In closing, Mr. Bryant asked the Board not to declare his company in default of their land license but instead provide them with additional time, til the end of the year in order for his company to complete the testing on the wood as well as secure the necessary funding. Mr. Bryant

confirmed if his company should fail the strength test they will immediately notify staff of this fact.

The Board asked staff to bring this item back to the Board for the first meeting in January and at that time to indicate the status report of the test results as well as start up capital for Tradewinds Forest Product, LLC. and include a detailed project schedule which will include the permitting process. Should Tradewinds Forest Products, LLC. fail the strength test they will immediately notify staff of this fact.

Motion to deny staff's recommendation

Unanimously approved to Deny staff's recommendation (Inouye/DeMello).

- Item L-1: Correction to the List of Low Bidders for ADA Projects Under \$100,000.00 Submitted on August 27, 2004.**
- Item L-2: Approval for Award of Construction Contract – Job No. B75DO71A, Waianae Boat Harbor Pier Repair and Improvements, Oahu, Hawaii**
- Item L-3: Appointment of West Maui Soil and Water Conservation District Director.**
- Item L-4: Approval for Cancellation of Award – Job No. J00CB45A Maalaea Small Boat Harbor, ADA Barrier Removal Project Maui, Hawaii.**
- Item L-5: Approval for Award of Construction Contract – Job No. J00CF46B, Kokee State Park, ADA Barrier Removal Waimea, Kauai, Hawaii.**

Unanimously approved as submitted (Johns/Yamamura).

- Item D-18: Resolution of Certain Improvements Constructed on State Land at the Hilton Waikoloa Village, Anaehoomalu, South Kohala, Hawaii, TMK: (3) 6-9-07:14.**

Chairperson Young recused himself.

Ms. Mamiya reminded the Board in August 1997, Judge Ezra determined the subject lands were ceded lands owned by the State of Hawaii and therefore subject to the public lands trust. As part of his order Judge Ezra directed the State to take all appropriate actions to immediately seek compensation from the effective date of his order from the occupiers of the submerged lands. Ms. Mamiya pointed out in 2002, the Board approved a conceptual resolution which consisted of a land exchange for the filled State lands, a perpetual non-exclusive easement to Lanpar for the submerged lands and payment of back rent by Lanpar for the time period of January 1, 1986 to the date the land exchange is consummated and interest. Since that time staff has moved away from a land exchange

in favor of a lease. Addressing the issue of back rent, Ms. Mamiya let it be known the parties would not agree to paying the full back rent amount because they believe the State was culpable in certifying an incorrect shoreline which created the situation we have today. Due to these disagreements staff is suggesting the Board authorize the Attorney General to resolve and collect this back rent through mediation or other necessary means. Ms. Mamiya recommended the Board authorize the amendment of grant of easement bearing LOD No. 27, 709 to Lanpar/HTL Associates by amending the easement area to add the subject 0.468 acre of submerged lands, authorize the issuance of a direct lease to Global Resort Partners covering the subject 1.337 acres of reclaimed lands, authorize the cancellation of Revocable Permit No. S-7380 to Global Resort Partners upon execution of the lease, authorize the Department of the Attorney General to take any action necessary to pursue retroactive compensation for the time period January 1, 1986 to August 14, 1987 and to direct staff to engage in good faith efforts to pursue and consummate a land exchange for the reclaimed land subject to the requirements of Section 171-53 (d), 171-50, HRS or any other law applicable at the time of the exchange.

Member Johns noted for the record the Board received a letter from the Office of Hawaiian Affairs (OHA), which requested a contested case on this matter. Member Johns made it known if there was a request for a contested case the Board would not act on this matter.

Member Johns went on to inform those present of the contested case process and what is required from the parties request a contested case hearing.

Alan Murakami of Native Hawaiian Legal Corporation informed the Board he would like to request a contested case hearing on behalf of his client.

No Action.

Item D-12: Selection of developer/lessee for a master-planned mixed-use development on approximately 350 acres of public lands at Kealakehe, North Kona, Island of Hawaii, TMK: (3) 7-4-08:3, 40, 41, 42, 46, 50 and 71.

Ms. Mamiya indicated on April 25, 2003 the Board approved the issuance of a Request for Qualifications/Request for Proposals to solicit potential developers to lease and develop a master-planned, mixed use project. The developer selected by the committee will then negotiate a development agreement and lease with the Department.

Keith Chun, Planning and Development Manager for Land Division informed the Board the proposal before them today is the culmination of a nine month RFQ/RFP process. He went on to give a summary of the process the committee went through. He pointed out in January staff issued a Request for Qualifications at which time four developers indicated their interest in this project. At that time an evaluation committee was formed and they determined that two of the developers met the qualifications. Both companies were

allowed to move on and invited to submitted a Request for Proposals. During this process one of the developers withdrew their request leaving one company, Jacoby Development, Inc (Jacoby) in the running. The evaluation committee reviewed Jacoby's plan to see that it meet all of the criteria before moving forward. Mr. Chun recommended the Board approve the selection of Jacoby Development, Inc pursuant to the terms and conditions of the RFP and authorize the Chairperson to negotiate the terms of the development agreement, lease and land license with Jacoby Development, Inc.

Chad Martin a partner in Jacoby Development, Inc together with Frank Brandt came forward to testify on behalf of the company. Mr. Brandt provided a slide presentation depicting their vision for the development of the 350-acres of State owned lands. Their vision for the subject area was broken down into three phases and included additional berthing spaces, a swimming lagoon, two yacht clubs, a golf course, and employment training center, a cultural center, three resort parcels as well as affordable housing.

David Marquez and Skip Cowell of Kealakehe Ahupuaa 20/20 one of four companies that submitted an RFQ came forward to provide public testimony. Mr. Marquez spoke of his belief that the RFQ/RFP process was unfair and flawed. He feels the development on the subject parcel should reflect what the community wants. He spoke of his company's non-profit status and their desire to give back to the community. He told the Board if they move ahead to start negotiations with Jacoby his company will have no choice but to seek other remedies to ensure a fair process. Mr. Marquez asked the Board to deny staff's recommendation and delay any decision on this item so that some fairness can be brought to the selection process.

Mr. Chun came forward to explain the qualification process and the names and qualifications of the members of the committee. He made it clear the publication went out noting the specific qualifications and the evaluation criteria the committee would be looking at. Mr. Chun conveyed that the committee was looking for developers that had development experience and the financial capacity to follow through with this project. As far as the disqualification of Kealakehe Ahupuaa 20/20, Mr. Chun feels that issue has already been addressed at a previous board meeting. Mr. Chun went on to point out that this submittal grants the developer the right to negotiate development of the subject area for a term of six months with a possible extension of six additional months. If terms or conditions are not met the process will end and staff will appear before the board to acknowledge this.

Skip Cowell told the Board they have been working on this project over the past five years. He spoke of their desire to develop a master plan that the community envisions. Mr. Cowell asked the Board to delay making a decision on this matter for six months so they can sort out the legal ramifications that are involved.

Chris Armstrong of the Honokohau Marine Partners spoke against staff's recommendation. He questioned the State and Board's experience in developing the subject site. Mr. Armstrong questioned the disqualification of Kealakehe Ahupuaa 20/20 based on the financial document turned in by his partners. He felt that staff should have

done research on the different companies that made up Kealakehe Ahupuaa 20/20 and looked at its financial capabilities. He notes the organizations they are partnering with have a proven financial track record.

Unanimously approved as submitted (DeMello/Martyn).

Item D-19: Issuance of Right-of-Entry Permit to Beth Clark, Trustee of Big Surf Trust, Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-5-05: Seaward of Parcel.

Motion to Defer

Unanimously approved to defer (Johns/Yamamura).

Item D-8: Forfeiture of Revocable Permit Nos. S-6519 and 6520, Nancy Chastang Kerbow and Seth Ashby, Permittee, Honopou-Hoolawa, Hamakualoa, Makawao, Maui, TMK: (2) 2-9-01: por. 18 and 2-9-03: or. 16, 17, 20, and 39, and 2-9-01: pors. 08 and 11.

Ms. Mamiya briefed the Board and stated that the permittee has brought their rent current but their liability insurance has not been received by staff. Ms. Mamiya recommended the Board authorize the cancellation of Revocable Permit Nos. S-6519 and 6520 in the manner specified by law.

The Board amended the Recommendation Section by giving the Permittee 30 days to obtain adequate liability insurance otherwise the permit is automatically cancelled.

Unanimously approved as amended (Yamamura/Johns).

Item D-1: Sale of Lease at Public Auction for Industrial and /or Commercial Purposes, Waieka, South Hilo, Hawaii, TMK: (3) 2-2-37:41.

Unanimously approved as submitted (DeMello/Martyn).

Item D-2: Set Aside to Department of Accounting and General Services for Addition to Wahiawa Civic Center, Wahiawa, Oahu, TMK: (1) 7-4-06:02.

Item D-3: Rescind Prior Board Action of September 28, 2001 (Agenda Item D-6), Approving a Transfer of County of Maui Land to the State of Hawaii for Set Aside to the Department of Education for the Iao Middle School, situate at Owa and Kalua, Wailuku, Maui, TMK: (2) 3-4-09:03.

- Item D-5:** Grant of a Term, Non-Exclusive Easement for Seawall and Reclaimed (fill) land to Harold and Julie Sharrer, Kahaluu, Koolaupoko, Oahu, TMK: (1) 4-7-19:24 sea.
- Item D-7:** Approval of Lease of Private Property with the Edward and Janet Kurokawa Trust, on Behalf of the Department of Health, for Geothermal Monitoring Station Purposes, Keahialaka, Puna, Hawaii, TMK: (3) 1-3-46: por. 75.
- Item D-9:** Forfeiture of Revocable Permit No. S-6749, Norman Hill, Permittee, Waiohuli-Keokea Beach Homesteads, Kihei, Wailuku, Maui, TMK: (2) 3-9-07: por. 05.
- Item D-10:** Consent to Assign Grant of Non-Exclusive Easement No. S-27747, Henry M. Bush and Sybil A. Bush, Assignor, to Charles Water Schachter and Catherine Sara Harold, Assignee, Ualapue, Molokai, TMK: (2) 5-6-02:por. 05 and 24.
- Item D-11:** Consent to Assign General Lease No. S-4983, Wayne R. Daniel, Assignor, to Rodney & Debbie Hoeme and Ken & Mary Wheatley, Assignees, Waimea, Kauai, TMK: (4) 1-4-04:35.
- Item D-13:** Cancellation of Governor's Executive Order (GEO) No. 3410 issued to the City and County of Honolulu and Convey a Portion of a 10-Foot Right-of-Way to the City and County of Honolulu, Department of Parks & Recreation and the Sale of Reclaimed (Filled) Land to Robert A. & Gretchen M. Gould at Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-4-21:25 seaward and Lewis L. Schreiner Trust & Mary Jane Schreiner Trust at Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-4-21:19 seaward.
- Item D-15:** Sale of Remnant (Flume ROW) to John C. Fitzgerald II and Karen Teresa Fitzgerald, Trustees of the Fitzgerald Family Trust, Kaiwiki, South Hilo, Hawaii, TMK: (3) 2-9-04: por. abandoned Flume Right-of-Way.
- Item D-16:** Consent to Assign General Lease No. S-5231, Susan M. Kim, as Commissioner/Assignor, to Moanikeala Kaupiko, Assignee, Milolii-Hoopuloa, South Kona, Hawaii, TMK: (3) 8-9-14:57.
- Item D-17:** Confirmation of Expiration – Geothermal Resource Mining Lease No. R-3, Barnwell Geothermal Corporation, Kapoho, Kaniahiku, Keahialaka and Pohoiki, Puna, Hawaii, TMK: (3) 1-4-01:20, 1-3-08:07, 06 & 19, 1-3-09:07, 1-3-45:various and 1-3-46:various.

Unanimously approved as submitted (Johns/Yamamura).

Item M-1: Issuance of Revocable Permit to Kahuna Distribution LLC for Inconsistent Use, Honolulu International Airport.

Unanimously approved as submitted (Johns/DeMello).

There being no further business, Chairperson Young adjourned the meeting at 12:35 p.m. Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

Terry Crowell

Approved for submittal:

PETER T. YOUNG
Chairperson
Department of Land and Natural Resources